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PUDLIN & SCHILLER
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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

<p>CAROL ANN CARTER; MONICA PARRILLA; REBECCA POYOUROW; WILLIAM TUNG; ROSEANNE MILAZZO; BURT SIEGEL; SUSAN CASSANELLI; LEE CASSANELLI; LYNN WACHMAN; MICHAEL GUTTMAN; MAYA FONKEU; BRADY HILL; MARY ELLEN BALCHUNIS; TOM DEWALL; STEPHANIE MCNULTY; and JANET TEMIN,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>VERONICA DEGRAFFENREID, in her official capacity as the Acting Secretary of the Commonwealth of Pennsylvania; JESSICA MATHIS, in her official capacity as Director for the Pennsylvania Bureau of Election Services and Notaries,</p> <p style="text-align: center;">Respondents.</p>	<p>No. 464 MD 2021</p>
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No. 464 MD 2021

<p>PHILIP T. GRESSMAN; RON Y. DONAGI; KRISTOPHER R. TAPP; PAMELA GORKIN; DAVID P. MARSH; JAMES L. ROSENBERGER; AMY MYERS; EUGENE BOMAN; GARY GORDON; LIZ MCMAHON; TIMOTHY G. FEEMAN; and GARTH ISAAK,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p>	<p>No. 465 MD 2021</p>
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No. 465 MD 2021

VERONICA DEGRAFFENREID, in her official capacity as the Acting Secretary of the Commonwealth of Pennsylvania; JESSICA MATHIS, in her official capacity as Director for the Pennsylvania Bureau of Election Services and Notaries,

Respondents.

**RESPONDENTS' ANSWER TO
THE *GRESSMAN* PETITIONERS' AND *CARTER* PETITIONERS'
APPLICATIONS FOR EXPEDITED REVIEW**

Respondents, the Acting Secretary of the Commonwealth and Director of the Bureau of Elections and Notaries, submit this Answer to the *Carter* Petitioners' Application for Expedited Review and the *Gressman* Petitioners' Application for Expedited Review (collectively, the "Applications").

I. RESPONDENTS TAKE NO POSITION ON THE APPLICATIONS

The Secretary of the Commonwealth is Pennsylvania's chief election official, and Respondents are both election administrators charged with ensuring that Pennsylvania's elections are conducted in a fair, lawful, and orderly manner. Thus, in this litigation, Respondents' roles are two-fold: (1) to provide the Court with information where necessary, and (2) to prevent disruption of the 2022 elections by keeping the Court and the other parties apprised of election schedules and potential alterations to those schedules. Given those roles, Respondents take no position on either of the Applications.

II. BECAUSE MODIFICATION OF AT LEAST SOME PRIMARY ELECTION CALENDAR DEADLINES NOW APPEARS INEVITABLE UNDER ANY REALISTIC LITIGATION SCHEDULE, THE COURT SHOULD PROVIDE FOR SUBMISSIONS REGARDING APPROPRIATE AND FEASIBLE CHANGES TO THE CALENDAR

Respondents emphasize, however, that under *any* realistic schedule ordered by the Court, it is now clear that there will need to be modifications to at least some of the deadlines in the 2022 primary election calendar. Under the current election schedule, the first day to circulate and file nomination petitions is February 15, 2022. *See* 25 P.S. § 2868. As Respondents have previously explained, given that deadline, to ensure efficient election administration, allow for timely notice to candidates, and permit proper implementation of the new congressional districts, the Department of State needs to receive a final and legally binding congressional district map no later than January 24, 2022.¹ In light of the near-certainty that any decision by this Court will result in an appeal to the Supreme Court, neither schedule proposed in the Applications will allow the Department to receive a final congressional map by that date.

As a result, Respondents respectfully request that, as part of any schedule ordered by the Court, the Court provide for submissions from the parties regarding appropriate and feasible changes to the 2022 primary election calendar and, to the

¹ Respondents' Brief in Support of Preliminary Objections to Petitioners' Petition for Review at 5, No. 132 MD 2021, *Carter v. Degraffenreid* (filed Sept. 16, 2021).

extent the Court deems it necessary or appropriate, receive testimony—including from the Department of State—regarding these issues at a hearing. Respondents stand ready to assist the Court in determining what changes to the calendar are possible given the existence of other deadlines and the demands of election administration.

Respectfully submitted,

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

Dated: January 12, 2022

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CERTIFICATION REGARDING PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Dated: January 12, 2022

/s/ Robert A. Wiygul
Robert A. Wiygul